



## **Jury Trials**

The temporary suspension of jury trials is being reviewed each month and will continue until at least 31 May 2020. However, the District Court is hopeful that jury trials will resume in some locations earlier than previously anticipated.

Where the hearing of a jury trial is temporarily suspended as a result of the Coronavirus Pandemic and the evidence of a complainant cannot be taken or pre-trial issues determined, the Court's policy is to provide a new trial date to the parties at the time the trial is vacated. The trial is not to be stood over to some future date for mention.

Trials which have dates for hearing on and from 1 June 2020 will not be vacated because of the Coronavirus Pandemic earlier than two weeks before the date fixed for trial.

New dates for vacated trials and new trials are to be allocated the first suitable available date after 5 September 2020.

## **Defendants in Custody**

The District Court will continue to hear all criminal matters, with the exception of new criminal jury trials, where the defendant is in custody in accordance with the Coronavirus update dated 30 March 2020. This update is published on the District Court NSW website.

## **Defendants not in Custody**

Due to a gradual improvement in the Court's audio visual technology, the temporary suspension of hearing criminal matters where a defendant is not in custody will be lifted on and from 4 May 2020 for those matters where the **defendant's lawyers are able to make satisfactory arrangements for the defendant to appear remotely** so as to enable the hearing to proceed by use of a virtual courtroom.

The lifting of the temporary suspension will also apply to a self-represented defendant who is not in custody **and is able to make satisfactory arrangements to appear remotely** for the hearing to proceed by use of a virtual courtroom.

These requirements will not apply to arraignments or readiness hearings where the defendant is legally represented and there is an appearance by a lawyer on the defendant's behalf or a self-represented defendant makes satisfactory arrangements to appear remotely. In such a case, the physical appearance of the defendant is not required and dates for trial or sentence will be fixed or the readiness for trial ascertained. The defendant's bail will be continued.

## **How are Satisfactory Arrangements made for a Defendant to Appear Remotely?**

Lawyers and self-represented persons should familiarise themselves with the virtual courtroom by reading the virtual courtroom guide published on the District Court NSW website. The Court will shortly publish further procedures to be followed for the making of satisfactory arrangements.

## **Re-Listing**

Where a non-custodial defendant is represented by a lawyer and satisfactory arrangements are unable to be made for the defendant to appear remotely, the defendant's lawyer and the prosecutor are to appear on the date fixed for hearing by use of the virtual courtroom to obtain a new hearing date.

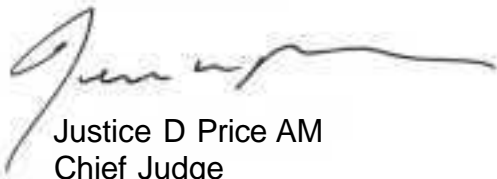
Where a non-custodial defendant is self-represented and is unable to make satisfactory arrangements to appear remotely, the matter will be re-listed for mention in June 2020. Registrars of the District Court will notify the parties of the mention date.

## **Personal Appearances**

The general policy of the Court is that, for the time being, there will be no personal appearances and that hearings are to proceed by use of a virtual courtroom. However, the Court is aware that in some cases, particularly in Judge alone trials, that the interests of justice are best served by allowing parties to be physically present in the courtroom. In such a case the prosecutor and defendant's lawyers should apply to the Trial Judge, List Judge, Resident Judge or Circuit Judge for the Court's general policy to be dispensed with.

Any agreement to dispense with the Court's general policy must be consistent with health advice and social distancing rules which apply to Essential Gatherings referred to in Schedule 2 of the Public Health (Covid-19 Restrictions on Gathering and Movement) Order 2020 (NSW).

In Judge alone trials, the personal physical appearance of the defendant in the Court is required unless the defendant consents to his appearance taking place by way of audio visual link.



Justice D Price AM  
Chief Judge

20 April 2020